

## BOARD OF SELECTMEN

Minutes of the Meeting of 28 November 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Michael Kopko, Whiting Willauer, Allen Reinhard and Patricia Roggeveen. Brian Chadwick was absent. Chairman Willauer called the meeting to order at 6:45 PM immediately following a meeting of the County Commissioners.

Announcements. None.

Public Comment. None.

Approval of Payroll Warrant for Week Ending 18 November 2007 and 28 November 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant for 21 November 2007 and 28 November 2007 and Pending Contracts for 28 November 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

### CITIZEN/DEPARTMENTAL REQUESTS

Liquor Licensee/Alice's Restaurant: Request for Approval of Change of Manager Application. Rhoda Weinman spoke on behalf of the application for change of manager to Marc Berkowitz. Mr. Kopko moved to approve the application, Ms. Roggeveen seconded, so voted unanimously.

Liquor Licensee/Pi Pizzeria: Request for Approval of Change of Manager Application. Maria Costanza spoke in favor of the request. Mr. Kopko moved to approve the request, Ms. Roggeveen seconded, so voted unanimously.

Request for Waiver of Conflict of Interest Regarding Town Counsel Representation of Town and Land Bank in Financial Transaction. Town Manager C. Elizabeth Gibson explained that since Town Counsel represents both the Town of Nantucket and the Nantucket Islands Land Bank, both parties must agree to the waiver in order for Town Counsel to represent both in this matter. She noted that the Land Bank has already voted to do so. Ms. Roggeveen said it was disconcerting to have Town Counsel represent both sides. Town Counsel Paul DeRensis noted his firm is representing the people of Nantucket in a simple transaction. Mr. Reinhard moved to approve, Mr. Kopko seconded, so voted. Ms. Roggeveen was opposed.

Land Bank: Request for Approval of Resolution and Memorandum of Understanding in Connection with Issuance of Bonds for Real Estate Acquisition(s). Eric Savetsky, Director of the Nantucket Islands Land Bank spoke in favor of the request and explained it. He added that no action from the Board of Selectmen is actually necessary until the Board of Selectmen's meeting on December 5, 2007.

Finance Department: Request for Execution of Interim Loan Documents in Connection with Low Interest Loan from Massachusetts Water Pollution Abatement Trust for Surfside Wastewater Treatment Facility Upgrade Project. Treasurer Deborah Weiner explained the loan is for 30 years at 2% interest. Mr. Kopko moved that the Town shall issue a bond or bonds in aggregate principal amount not to exceed \$44,635,228 pursuant to Chapters 29C and 44 of the General Laws and

votes of the Town passed April 12, 2005, Article 4, October 23, 2006, Article 17 and October 31, 2006, Question 1, for construction of sewers and water pollution control facilities; and, that each bond shall be issued as a single registered security and sold to the Massachusetts Water Pollution Abatement Trust at a price determined pursuant of the Bond Purchase Agreement; and, that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each bond, and to execute a Bond Purchase agreement with the Trust with respect to the sale of the bonds, such date, form and maturities and the specific interest rate or rates of the bonds to be approved by a majority of the Board of Selectmen and the Treasurer and evidence by their execution of the bonds; and, that all action taken to date by the Town and its officers and agents to carry out the project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and, that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all action necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Bond Purchase Agreement and the Project Regulatory agreement relating to the project. Mr. Reinhard seconded, so voted unanimously.

Verizon: Request for Approval of Petition #07-033 for Joint Pole Relocation on Candle House Lane. Ms. Gibson noted the petition request is for a pole relocation on Candle House Lane. Mr. Kopko moved the Board of Selectmen take no action on this request, Mr. Reinhard seconded, so voted unanimously. Some discussion followed regarding a request to Verizon for a report on the status of the underground wiring project in downtown Nantucket and in Sconset.

#### *PUBLIC HEARINGS*

Public Hearing to Consider Appeal of Stephen A. Wise of Historic District Commission Approval of Certificate of Appropriateness Nos. 51130 and 51131 for Property at 2 East Hallowell Lane.

Chairman Willauer swore in all who were to speak on the matter. Mark Voigt gave testimony noting the appeal is in connection with resiting of the house on the lot and requested the Board of Selectmen uphold the HDC's decision and deny the appeal. Chairman Willauer closed the public hearing. Mr. Reinhard moved to uphold the HDC's decision and deny the appeal, Mr. Kopko seconded, so voted unanimously.

Public Hearing to Consider Appeal of Holly and Mark Pagon of Historic District Commission Approval of Certificate of Appropriateness Nos. 50842 and 50843 for Property at 29 Baxter Road.

Rhoda Weinman, attorney for the appellant, requested a continuance until the regular Board of Selectmen meeting on January 16, 2008. Mr. Reinhard moved to continue the hearing until the January 16, 2008 meeting, Ms. Roggeveen seconded. Mr. Kopko noted the Board received a letter from legal counsel for the property owner in favor of the continuance, so voted unanimously.

#### *TOWN ADMINISTRATOR'S REPORT*

Ms. Gibson noted the Town has four union contracts expiring on June 30, 2008 and noted the time and resources involved in the negotiations which are about to commence.

Ms. Gibson stated the FY 2009 budget and updating the five year general fund budget projections are under development and that on December 5, 2007 a FY 09 general fund budget status report will be presented.

Ms. Gibson stated that Town Administration is starting to develop the 2008 Annual Town Meeting warrant. She noted that 29 citizen articles were received along with two non-binding ballot questions, which will be scheduled for discussion on the Board's December 5, 2007 agenda at the request of Mr. Kopko.

Ms. Gibson noted a Board of Health public hearing regarding the Reis Trucking application for the site assignment of a construction and demolition processing facility will be held at 3pm, November 29, 2007 at 2 Fairgrounds Road.

Ms. Gibson noted a contract for the design of the Hummock Pond Road bike path will be on the agenda for approval on December 5<sup>th</sup> in the amount of \$300,000. She explained that most of the contract costs are for the environmental portion of the project, that the project design will not be completed within the appropriation for this contract and that additional funding will be sought at the 2008 Annual Town Meeting.

#### SELECTMEN'S REPORTS/COMMENT

Chairman Willauer noted the Cape Cod Selectmen's Association will be sending an invitation to the Nantucket Board of Selectmen to attend its meetings, shortly.

The meeting adjourned at 7:31 PM.

Approved the 19<sup>th</sup> day of December 2007